

FEBS 78-906

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MEMORANDUM FOR: General Counsel

FROM : F. W. M. Janney  
Director of Personnel

SUBJECT : Medical Program for Employees and Dependents Abroad

1. The wife of an Agency employee was stricken with multiple sclerosis while the family was stationed overseas. Her medical expenses were covered under the Medical Program for Employees and Dependents Abroad. The Program provides that the Agency will pay for a maximum of 120 days of treatment in the case of dependents [redacted]. The employee has requested an extension of this period. ST

2. If the Director of Medical Services (D/OMS) determines that the illness was materially aggravated during the patient's stay abroad, treatment may be extended at Government expense until maximum benefit has been obtained from the treatment. In this case, the D/OMS is unable to state whether or not there was aggravation because of residence abroad. Furthermore, because of the chronic nature of the disease and the history of periodic remissions and relapses, the issue of when maximum benefit of treatment will be reached is a point which OMS believes requires further administrative-legal review.

3. It is our conclusion that a legitimate doubt exists in this situation as to whether the illness was materially aggravated and that this doubt should be resolved in the employee's favor. We would appreciate your review and opinion as to whether or not an extension of the 120 treatment days can be approved on this basis.

4. If you agree with our view that a benefit of this type should be resolved in the favor of the employee when a doubt exists, we will then have to determine the duration of any additional benefit so authorized. We would appreciate receiving any views you may have on this for our use in preparing a policy position.

F. W. M. Janney

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